

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

ARNOLDUS J. BOUDEWIJNS ET AL

PHN 17,830

Serial No. 09/747,110

Group Art Unit: 2182

Filed: DECEMBER 21, 2000

Examiner:

Title: POINTER COORDINATES ASSIGNMENT

Commissioner for Patents  
Washington, D.C. 20231

**REQUEST UNDER 37 CFR 1.47 TO CONSIDER PROOF OF UNAVAILABILITY  
OF NONSIGNING INVENTOR**

Sir:

The Applicants request that the Patent and Trademark Office enter the enclosed Declaration signed by one inventor. A Notice to File Missing Parts of Nonprovisional Application was mailed from the Patent and Trademark Office on February 15, 2001 (attached as Exhibit A). It is submitted that on behalf of himself, Hendrikus Van Den Berg, and on behalf of the joint inventor who cannot be reached, Arnoldus Boudewijns, enclosed herewith is a signed Declaration (attached as Exhibit B) and that the facts and circumstances surrounding the available applicant's diligent effort and proof that the nonsigning inventor could not be reached, such as the e-mails dated April 4, 2001, May 9, 2001 and August 15, 2001 (attached as Exhibit C) be submitted.

It is respectfully requested that the Declaration enclosed herewith be considered received and that the status of the above-identified application be changed from incomplete to complete.

F:\WPDOCS\FW\PI15PWBO.NCR.doc

1

09/26/2001 MTEKLEMI 00000001 141270 09747110

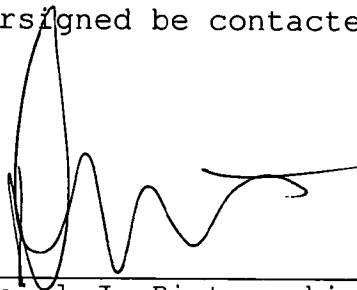
01 FC:122

130.00 CH

Attached is an Affidavit of Dan J. Piotrowski, Esq. supporting this Request (attached as Exhibit D).

Accordingly, it is requested that the Notice of File Missing Parts be withdrawn, the Declaration signed by only one inventor be entered, and the status of the above-identified application be changed from incomplete to complete.

In the event that there are any difficulties regarding this matter, it is requested that the undersigned be contacted at the telephone number indicated below.



Daniel J. Piotrowski  
Patent Counsel  
Reg. No. 42,079

Enclosures: Exh. A: Copy of February 15, 2001 Notice to File Missing Parts of Nonprovisional Application  
Exh. B: Copy of the Declaration signed by only one inventor  
Exh. C: Copy of e-mails dated April 4, 2001, May 9, 2001 and August 15, 2001 Transmittal Cover Letter  
Exh. D: Affidavit of Daniel J. Piotrowski

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

On August 15, 2001

By Noemi Chapa

**EXHIBIT A**



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT                   | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|---|------------------------|
| 09/747,110         | 12/21/2000          | Arnoldus Johannes Juliana<br>Boudewijns | PHN 17,830             |

CONFIRMATION NO. 1476

## FORMALITIES LETTER



\*OC00000005743734\*

Michael E. Marion  
c/o PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
Corporate Intellectual Property  
580 White Plains Road  
Tarrytown, NY 10591

Date Mailed: 02/15/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/20/2001 SHIHASS1 00000059 141270 09747110

01 FC:105 130.00 CH

**EXHIBIT B**

## DECLARATION and POWER OF ATTORNEY

ATTORNEY'S DOCKET NO.:  
**PHN 17.830 US**

I, as a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
**"Pointer coordinates assignment"**

the specification of which (check one)

☐ is attached hereto.☒ was filed on December 21, 2000 as Application Serial No. 09/747,110 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by the amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATION(S)

| COUNTRY | APP. NUMBER | DATE OF FILING<br>(DATE, MONTH, YEAR) | PRIORITY CLAIMED<br>UNDER 35 U.S.C. 119 |
|---------|-------------|---------------------------------------|---|
| Europe  | 99204474.3  | 22 December 1999                      | YES                                     |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

## PRIOR UNITED STATES APPLICATION(S)

| APPLICATION SERIAL NUMBER | FILING DATE | STATUS (PATENTED, PENDING, ABANDONED) |
|---------------------------|-------------|---------------------------------------|
|                           |             |                                       |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)Jack E. Haken, Reg. No. 26,902  
Michael E. Marion, Reg. No. 32,266  
Edward M. Blocker, Reg. No. 30,245

|  |  |
|--|--|
| SEND CORRESPONDENCE TO: Corporate Patent Counsel;<br>U.S. Philips Corporation;<br>560 White Plains Road; Tarrytown, NY 10591 | DIRECT TELEPHONE CALLS TO:<br>(name and telephone No.)<br>(914) 332-0222 |
|--|--|


|                           |                                    |  |   |
|---------------------------|------------------------------------|--|---|
| Dated: _____              |                                    | Inventor's Signature: _____                        |   |
| Full Name of Inventor     | Last Name<br><b>BOUDEWIJNS</b>     | First Name<br><b>Arnoldus</b>                      | Middle Name<br><b>Johannes Juliana</b>              |
| Residence & Citizenship   | City<br><b>Eindhoven</b>           | State or Foreign Country<br><b>The Netherlands</b> | Country of Citizenship<br><b>The Netherlands</b>    |
| Post Office Address       | Street<br><b>Prof. Holstlaan 6</b> | City<br><b>5656 AA Eindhoven</b>                   | State or Country<br><b>The Netherlands</b> Zip Code |
| Dated: <b>14 May 2001</b> |                                    | Inventor's Signature: _____                        |   |
| Full Name of Inventor     | Last Name<br><b>VAN DEN BERG</b>   | First Name<br><b>Hendrikus</b>                     | Middle Name<br><b>Antonius Hermanus</b>             |
| Residence & Citizenship   | City<br><b>Eindhoven</b>           | State or Foreign Country<br><b>The Netherlands</b> | Country of Citizenship<br><b>The Netherlands</b>    |
| Post Office Address       | Street<br><b>Prof. Holstlaan 6</b> | City<br><b>5656 AA Eindhoven</b>                   | State or Country<br><b>The Netherlands</b> Zip Code |

**EXHIBIT C**



Jacqueline Lanslots@EMEA3

08/15/2001 09:43

To: Noemi Chapa/TRY/CIP/PHILIPS@AMEC  
cc:  
Subject: Re: PHN 17,821   
Classification:

Dear Noemi,

Helas, the status is still the same.


As to PHN 17,830: I have sent new documents to the Personnel department of the inventor A.J.J. Boudewijns. The Personnel manager will see to it that the documents will be signed within short. I will fax you the Declaration of this case signed by the other inventor.

As to PHN 17.821: If you want I can send you the Declaration and Assignment signed by the other three inventors by DHL today. Please advise.

With kind regards,  
Jacqueline Lanslots  
Application Filing Section

Philips Corporate Intellectual Property  
Visitor's address: Prof. Holstlaan 6, 5656 AA Eindhoven  
Mail address: P.O. Box 220, 5600 AE Eindhoven  
Phone: + 31 40 27 43274; Facsimile +31 40 27 43489  
E-mail: Jacqueline.Lanslots@philips.com  
Web-site: pww.cip.corp.philips.com  
Noemi Chapa@AMEC

Noemi Chapa@AMEC  
08/15/01 03:16 PM

To: Jacqueline Lanslots/EHV/CIP/PHILIPS@EMEA3  
cc: Hanny Pesuwarissa/EHV/CIP/PHILIPS@EMEA3  
Subject: Re: PHN 17,821 

Classification: Restricted

Hello again Jacqueline:

The two applications in question are both now on the fourth month extension:

**PHN 17,830 - Declaration due April 15, 2001**  
**PHN 17,821 - Declaration due April 21, 2001**

If we do not respond to the office action within the fourth month extension period the applications **will be abandoned by the US Patent Office**. Today is the last day of the fourth month extension for **PHN 17,830** - you mention that one of the inventors suffers from a long-time illness. Can you please fax us **TODAY** a copy of the Declaration signed by the other inventor.

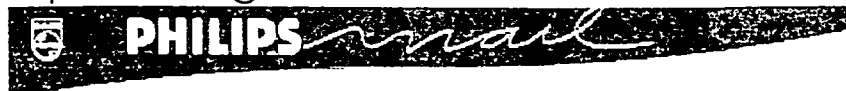
The other application, **PHN 17, 821** has until the 21st of this month for the 4th month extension period. Dan Piotrowski, the attorney handling this application would like to

know if you can forward the Declaration you have which includes signatures of the other 3 inventors as soon as possible.

We will keep you informed as to what action we will take.  
Please let me know the status at your end


Kind regards,  
Noemi Chapa

Jacqueline Lanslots@EMEA3



Jacqueline Lanslots@EMEA3

08/09/2001 11:32

To: Noemi Chapa/TRY/CIP/PHILIPS@AMEC  
cc:  
Subject: Re: PHN 17,821   
Classification:

Dear Noemi,

All inventors but one (unfortunately, the first inventor) have signed the documents. This week I have sent said inventor the documents again by certified mail. The courier will try to present the document three times, I believe.  
I will inform you about the results.

With kind regards,  
Jacqueline Lanslots  
Application Filing Section

Philips Corporate Intellectual Property  
Visitor's address: Prof. Holstlaan 6, 5656 AA Eindhoven  
Mail address: P.O. Box 220, 5600 AE Eindhoven  
Phone: + 31 40 27 43274; Facsimile +31 40 27 43489  
E-mail: Jacqueline.Lanslots@philips.com  
Web-site: pww.cip.corp.philips.com  
Noemi Chapa@AMEC

Noemi Chapa@AMEC

08/09/01 04:23 PM

To: Jacqueline Lanslots/EHV/PATENTS/PHILIPS@EMEA3  
cc:  
Subject: PHN 17,821  
Classification: Restricted

Hello Jacqueline:

For our records, can you please let me know the status of the signed documents for the above application.

Thanks!

Noemi Chapa



Jacqueline Lanslots@EMEA3

04/04/2001 11:53

To: Noemi Chapa/TRY/CIP/PHILIPS@AMEC  
cc:  
Subject: Re: PHN 17,830 [ ]  
Classification: Unclassified

Dear Noemi,

I have sent a reminder to the inventors twice. I hope they will react now soon.

With kind regards,

Jacqueline  
Noemi Chapa@AMEC



Noemi Chapa@AMEC

04/04/2001 01:26 PM

To: Hanny Pesuwarissa/EHV/CIP/PHILIPS@EMEA3  
Jacqueline Lanslots/EHV/PATENTS/PHILIPS@EMEA3  
cc:  
Subject: PHN 17,830  
Classification: Restricted

Hello:

This note is just a reminder that we need the sign documents for the above-subject application. They are due at the US Patent Office no later than April 16 without incurring late fees.

Can we expect to receive these documents before then? Please advice.

Thank you.


Regards,

Noemi Chapa  
Legal Secretary to Daniel J. Piotrowski  
Philips Electronics North America Corporation  
Corporate Intellectual Property  
580 White Plains Road, 4th Flr.  
Tarrytown, New York 10591  
Telephone: (914) 333-9620  
Facsimile: (914) 332-0615  
e-mail: noemi.chapa@philips.com



Jacqueline Lanslots@EMEA3

05/09/2001 10:08

To: Noemi Chapa/TRY/CIP/PHILIPS@AMEC  
cc:  
Subject: Re: PHN 17,830   
Classification: Unclassified

Dear Noemi,

I am sorry to inform you that we still have not received the signed documents. One of this inventors suffers of a long illness.  
So we we must be patient for a while. I will keep you informed.

With kind regards,

Jacqueline Lanslots  
Noemi Chapa@AMEC



Noemi Chapa@AMEC

05/09/2001 01:12 PM

To: Jacqueline Lanslots/EHV/PATENTS/PHILIPS@EMEA3  
Hanny Pesuwarissa/EHV/CIP/PHILIPS@EMEA3  
cc:  
Subject: PHN 17,830  
Classification: Restricted

Hello again:

On this application I had sent you an e-mail back on April 4th requesting the signed documents. You had sent a reminder twice to the inventors hoping to get a response from them. This documents are now on a one month extension and can be submitted to the Patent Office by May 15th **without incurring a second month extension fee of \$390.00.**

Can you please advise of the status of these documents?

Thanks.

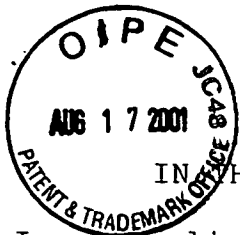
Kind regards,

Noemi Chapa  
Legal Secretary to Daniel J. Piotrowski  
Philips Electronics North America Corporation  
Corporate Intellectual Property  
580 White Plains Road, 4th Flr.  
Tarrytown, New York 10591  
Telephone: (914) 333-9620

Facsimile: (914) 332-0615  
e-mail: noemi.chapa@philips.com

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**EXHIBIT D**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

ARNOLDUS J. BOUDEWIJNS ET AL

PHN 17,830

Serial No. 09/747,110

Group Art Unit: 2182

Filed: DECEMBER 21, 2000

Examiner:

Title: POINTER COORDINATES ASSIGNMENT

Commissioner for Patents  
Washington, D.C. 20231

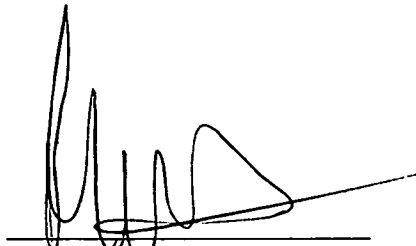
AFFIDAVIT UNDER 37 CFR 1.47 - PROOF OF UNAVAILABILITY OF  
NONSIGNING INVENTOR

Sir:

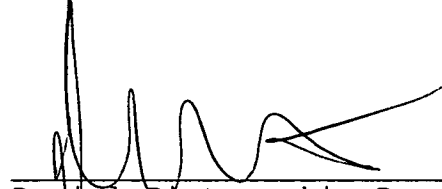
I, Dan J. Piotrowski, being duly sworn, depose and state: I am an Attorney of Record of the above-identified patent application. The inventors of above-identified patent application are Arnoldus Boudewijns and Hendrikus Van Den Berg, both of Eindhoven, The Netherlands. At the time the invention recited in the above-identified patent application was conceived the inventors were employed as engineers by Philips Electronics in Eindhoven, The Netherlands. On behalf of himself, Hendrikus Van Den Berg, and on behalf of the joint inventor who cannot be reached, Arnoldus Boudewijns, enclosed herewith is a signed Declaration. The last known address of the nonsigning joint inventor is as stated on the enclosed Declaration. The facts and circumstances surrounding the available applicant's diligent effort and proof that the nonsigning inventor cannot be reached are as follows: On numerous occasions I instructed my assistant, Noemi Chapa, to contact an associate, Jacqueline Lanslot, located in Eindhoven, The Netherlands to obtain a signed declaration of Arnoldus Boudewijns. Jacqueline Lanslot is an employee of Philips Electronics as an Application Filing Section person,

where she is responsible for obtaining such declarations from inventors. Enclosed are copies of documentary evidence of such instructions that support a finding that the nonsigning inventor could not be reached. Upon information and belief, Arnoldus Boudewijns suffers from a long time illness. Upon information and belief, Jacqueline Lanslot has made repeated attempts to obtain a signed declaration from Arnoldus Boudewijns throughout the Convention year.

Date:

  
8/15/81

Respectfully submitted,

  
Daniel Piotrowski, Reg. 42,079  
Attorney for Applicants  
US PHILIPS CORPORATION  
580 White Plains Road  
Tarrytown, NY 10591  
Phone (914) 333-9609  
Fax: (914) 332-0615